

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**RICARDO A. SMITH,**

**Plaintiff,**

**vs.**

**JASMINE M. SOMERVILLE**

**Defendant.**

**No.**

**Jury Trial Demanded**

**COMPLAINT**

1. The Plaintiff, **Ricardo A. Smith**, brings this civil action against the Defendant, **Jasmine M. Somerville**, and files a copy of his Complaint, certified by his attorney as being true and correct for the purpose of accompanying the summons, for damages in an amount no less than Two Million One Hundred Fifty Thousand Dollars (\$2,150,000).

2. The Plaintiff, **Ricardo A. Smith**, is a citizen and resident of Cumberland County, North Carolina, residing at 1315 S. Reilly Road, Fayetteville, North Carolina 28314.

3. The Defendant, **Jasmine M. Somerville**, is a citizen and resident of Shelby County, Tennessee, residing at 4061 Lehi Drive, Memphis, Tennessee 38128.

4. Pursuant to 28 U.S.C. §1332(a), this Court has jurisdiction over the parties and the subject matter of this cause of action. The matter in controversy exceeds, exclusive of costs of disbursements, the sum of Seventy-Five Thousand (\$75,000.00) Dollars.

5. On May 20, 2020 at approximately 4:02 p.m., the Plaintiff, **Ricardo A.**

**Smith**, was driving a 2019 Freightliner tractor-tractor owned by J.S. Hellwig & Son, LLC and was traveling west in the far left lane of I-40 west bound in Memphis.

6. At the time hereinabove mentioned, the Defendant, **Jasmine M. Somerville**, was driving her 2015 Buick Regal and was also traveling west on I-40 west bound in Memphis when she failed to keep a proper lookout ahead and proper control of her vehicle and lost control of her vehicle and struck the Plaintiff's vehicle.

7. The Plaintiff, **Ricardo A. Smith**, brings this civil action against the Defendant, **Jasmine M. Somerville**, for personal injuries and damages, medical bills and expenses which he was caused to receive on or about May 20, 2020.

8. The Plaintiff, **Ricardo A. Smith**, brings this civil action against the Defendant, **Jasmine M. Somerville**, for injuries which he was caused to receive on or about May 20, 2020. As a result of this accident, **Ricardo A. Smith** has sustained serious and disabling injuries. Said injuries to the Plaintiff have resulted in permanent disability and have impaired his capacity for work, labor, business and the enjoyments and pleasures of life. As a result of these injuries, Plaintiff has incurred and shall continue to incur medical bills as well as pain and suffering.

9. The Defendant, **Jasmine M. Somerville**, violated certain statutes which were in full force and effect in the State of Tennessee on the date of the accident:

a. The Defendant failed to obey Tennessee Traffic laws, in violation of T.C.A. §55-8-103;

b. The Defendant was negligent in violating T.C.A. §55-8-123, which said statute requires the vehicle driven by the defendant to remain in the single lane of traffic and not to be moved from such lane until the driver has first ascertained that the

movement could be made with safety;

c. The Defendant was negligent in failing to exercise due care while driving in violation of T.C.A. §55-8-136;

d. The Defendant was negligent in failing to keep a proper lookout;

e. The Defendant was negligent in failing to use a degree of care and caution in the operation of the vehicle as required of a reasonable and prudent person under the same or similar circumstances existing at the time and place of the aforementioned collision;

f. The Defendant was negligent in operating the vehicle at an unsafe rate of speed due to the circumstances and conditions existing at the time and place of the aforementioned collision;

g. The Defendant was negligent in violating T.C.A. §55-10-205, which prohibits a person driving on the road from driving in a reckless manner;

h. The Defendant was negligent in the willful and wanton disregard for the safety of other persons and property in violation of T.C.A. §55-10-208(a);

10. The Defendant, **Jasmine M. Somerville**, owned and maintained the 2015 Buick Regal which was being operated by her at the time of the accident.

11. The violation of the aforementioned statutory and common law duties by the Defendant constitutes negligence which was a direct and proximate cause of the accident and the injuries and damages sustained by the Plaintiff.

**WHEREFORE**, the Plaintiff, **Ricardo A. Smith**, asks for judgment against the Defendant, **Jasmine M. Somerville**, in a sum of no less than Two Million One Hundred Fifty Thousand Dollars (\$2,150,000), and asks for a jury in the trial of this cause.

Respectfully submitted,

/s/ F. Braxton Terry

F. Braxton Terry, BPR #018248

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